

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TAHRA KERMAN-MASTOUR,

10-CV-1633 (RJH)(RLE)

Plaintiff,

**AFFIDAVIT OF
BRIAN HELLER**

-against-

FINANCIAL INDUSTRY REGULATORY
AUTHORITY, INC., AND FINRA REGULATION, INC.,

**ORAL ARGUMENT
REQUESTED**

Defendants.
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STATE OF NEW YORK)
)ss:
COUNTY OF NEW YORK)

I, BRIAN HELLER, being duly sworn, depose and say as follows:

1. As a partner in the firm Schwartz & Perry, LLP, attorneys for Plaintiff Tahra Kerman-Mastour ("Kerman"), I am familiar with the facts and circumstances of this litigation and submit this Affidavit in Opposition to the motion of Defendants Financial Industry Regulatory Authority, Inc. and FINRA Regulation, Inc. ("FINRA") for summary judgment.

2. Plaintiff respectfully requests oral argument on FINRA's motion.

3. The issues in this case, including the complex and detailed analysis of FINRA's pretextual basis for terminating Kerman, cannot be fully addressed on papers. A jury should be permitted to resolve those issues.

4. Attached hereto are various Exhibits in this matter, which Kerman urges the Court to review and consider, and which are described as follows:

Exhibit	Description
A	A copy of Kerman's Verified Complaint, which was filed in the Supreme Court of New York County before FINRA removed this matter

B	Kerman's 2002 performance evaluation
C	Kerman's 2003 performance evaluation
D	"Memo to File" from Sue Light regarding Kerman's promotion in 2005
E	Emails between Kerman and Susan Merrill in July 2005 regarding Kerman's promotion
F	Kerman's 2005 performance evaluation
G	Kerman's 2006 performance evaluation
H	Letter from FINRA to Kerman dated February 29, 2008
I	Kerman's performance evaluation for the period from November 1, 2006 to June 22, 2007
J	Emails between Richard Chin and Anthony Cavallaro on January 27, 2008
K	Emails between Richard Chin and Anthony Cavallaro on February 1, 2008
L	Email from Chris Snyder to Richard Chin dated March 17, 2008
M	Email from Kerman to Mary Schapiro dated September 19, 2008
N	Email from Suzanne Elovic to Susan Merrill dated October 2, 2008
O	Emails between Suzanne Elovic and Linda Riefberg on September 24, 2008
P	Performance Plan to Kerman dated November 6, 2008
Q	Emails between Kerman and Suzanne Elovic dated November 17 and 18, 2008
R	Performance Plan to Kerman dated February 5, 2008
S	Kerman's performance evaluation for the period from February 29, 2008 to December 8, 2008
T	Emails between Richard Chin and Michael Diederich, assistant to Sue Light, on January 12, 2009
U	Kerman's rebuttal to her 2008 performance evaluation
V	Kerman's memo to Sue Light dated March 3, 2009
W	Notes of Mariann Miller of FINRA's Ombudsman's office regarding Kerman's complaints of discrimination
X	Email from Richard Chin to Scott Anderson dated April 8, 2008
Y	Emails between Richard Chin to Scott Anderson on April 24, 2008
Z	Emails between Richard Chin and Sue Light on April 29, 2008

AA	Emails between Kerman and Richard Chin on April 30, 2009.
BB	Emails between Kerman and Linda Riefberg in early May 2009
CC	Email from Sue Light to Kerman and others regarding Kerman's STAR comments
DD	The Closing Memorandum on the LT matter dated February 13, 2009
EE	Email from Sue Light to Richard Chin dated February 17, 2009
FF	Emails between Sue Light and others on January 21, 2009
GG	The Sufficiency of the Evidence memo for the GP matter, dated February 27, 2009
HH	Emails between Kerman and other FINRA employees on the maternity leave committee dated December 23, 2008

5. Exhibits that have been marked "Confidential" pursuant to the Confidentiality Agreement and Protective Order in this case are provided to the Court under separate cover.

6. Attached under the tab marked "Depo. of Kerman" are excerpts from the deposition transcript of the Plaintiff.

7. Attached under the tab marked ""Depo. of Chin" are excerpts from the deposition transcript of Richard Chin.

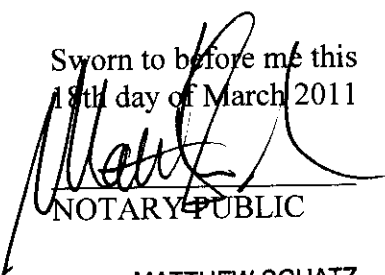
8. Attached under the tab marked "Depo. of Light" are excerpts from the deposition transcript of Sue Light.

9. Attached under the tab marked "Depo. of Elovic" are excerpts from the deposition transcript of Suzanne Elovic

Dated: New York, New York
March 18, 2011


BRIAN HELLER

Sworn to before me this
18th day of March 2011


NOTARY PUBLIC

MATTHEW SCHATZ
Notary Public, State of New York
No. 02SC6129535
Qualified in Queens County
Commission Expires June 27, 2013